

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: RAILWAY INDUSTRY)
EMPLOYEE NO-POACH ANTITRUST) Master Docket: Misc. No. 18-798
LITIGATION)
)
) MDL No. 2850
This Document Relates to: All Actions)

ORDER

AND NOW, this **20th day of June, 2019**, for the reasons set forth in the accompanying opinion, the joint motion to dismiss and strike class allegations (ECF No. 124) is **GRANTED IN PART** and **DENIED IN PART** as follows:

- The motion to dismiss will be denied with respect to defendants' arguments that the horizontal market allocation agreements alleged in the consolidated class action complaint must be plead under the rule of reason.
- The motion to dismiss is granted without prejudice with respect to Bendix Commercial Vehicle Systems LLC and Ricon Corporation and they are dismissed as defendants.
- The motion to strike is granted without prejudice with respect to striking the class allegations because plaintiffs did not make a prima facie showing of predominance in the consolidated class action complaint for a class of all employees or that at least discovery is likely to substantiate that the common issues of that proposed class predominate over the individual questions.
- The motion to strike is also granted to the extent plaintiffs will be required to amend the class definition, which is overbroad and lacks precision.

IT IS SO ORDERED.

/s/ JOY FLOWERS CONTI
Joy Flowers Conti
Senior United States District Judge